


IT IS SO ORDERED.

Dated: 7 August, 2017 02:35 PM



JESSICA E. PRICE SMITH
UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE:)	CASE NO. 17-10941
)	
EDWARD G. BAKANAS)	CHAPTER 13 PROCEEDING
)	
Debtor.)	JUDGE JESSICA E. PRICE SMITH

**ORDER AUTHORIZING TRIAL MORTGAGE LOAN MODIFICATION,
PERMITTING DEBTOR TO MAKE THE FIRST LOAN MODIFICATION PAYMENT
IN LIEU OF HIS JUNE (sic) 2017 PLAN PAYMENT, AND COMMENCING
CONDUIT MORTGAGE PAYMENTS BEGINNING AUGUST 1, 2017**

This matter is before the Court upon Debtor's Motion for Authorization of Trial Mortgage Loan Modification, to Permit Debtor to Make the First Loan Modification Payment In Lieu of His June (sic) 2017 Plan Payment, and to Commence Conduit Mortgage Payments Beginning August 1, 2017 (Doc 30).

The Court finds that Debtor has alleged that good cause exists for granting his Motion, that all interested parties have been served with notice of the Motion and the hearing date, that no interested party has filed a response or otherwise appeared in opposition to the Motion, and it appears appropriate to grant the relief requested.

IT IS, THEREFORE, ORDERED THAT Debtor be and is hereby authorized to enter into a trial mortgage loan modification with Specialized Loan Servicing LLC (the "Creditor"), consistent with the terms and conditions set forth in the Trial Period Plan for a loan modification attached to Debtor's Motion (the "Trial Modification").

IT IS FURTHER ORDERED that the Chapter 13 Trustee shall immediately commence conduit mortgage payments in the amount of \$721.82 to the Creditor effective August 1, 2017 under the terms of the Trial Modification pursuant to Administrative Order No. 09-02 until further Order of Court, and that any payments made in this manner shall not be grounds to invalidate said mortgage loan modification.

IT IS FURTHER ORDERED that Debtor be permitted to make the first trial period plan payment due July 1, 2017 directly to the Creditor *in lieu of* his regular monthly Chapter 13 Plan payment due in the month of July 2017 (the motion incorrectly states June), and that he shall not be considered delinquent for this one month's Plan payment.

IT IS FURTHER ORDERED that Debtor shall modify his Plan to incorporate the terms of the Trial Modification and any subsequent loan modification for confirmation by the Court, and that the Trustee shall commence conduit mortgage payments immediately under this Order notwithstanding Debtor's current Plan.

IT IS FURTHER ORDERED that Debtor's mortgage with the Creditor shall be deemed modified and the underlying mortgage account shall be deemed current upon approval of the final loan modification, and that the modification of Debtor's mortgage set forth herein shall survive this case and remain binding and enforceable upon Debtor and the Creditor.

IT IS SO ORDERED.

Submitted by:

/s/ Charles J. Van Ness
Charles J. Van Ness (0047365)
Attorney for Debtor
6181 Mayfield Road, Suite 104
Mayfield Heights, OH 44124
Phone: (440) 461-4433
Fax: (440) 461-4434
CJVLAW@prodigy.net

Please serve:

Craig Shopneck (via ECF)
Chapter 13 Trustee
ch13shopneck@ch.13cleveland.com

Alison A. Gill (via ECF)
Counsel for Specialized Loan Servicing, LLC
alison@ohiolaws.com

Specialized Loan Servicing LLC
8742 Lucent Blvd., Suite 300
Highlands Ranch, CO 80129

###